

**From:** Steven Gunn <[stevengunn@comcast.net](mailto:stevengunn@comcast.net)>

**Date:** November 17, 2019 at 1:32:47 PM PST

**To:** James McGrath <[macmcgrath@comcast.net](mailto:macmcgrath@comcast.net)>

**Cc:** Tomer Petel <[peteltomer@gmail.com](mailto:peteltomer@gmail.com)>, [1956madworld@gmail.com](mailto:1956madworld@gmail.com), [davidllyon@gmail.com](mailto:davidllyon@gmail.com),

Mandi Browning <[mandibrowning71@gmail.com](mailto:mandibrowning71@gmail.com)>

**Subject:** Re: Foster City levees

Jim:

Not sure i understand the "resolutions" in the document that was attached. The following is my understanding after a walkthrough with Norm (Director of Public Works). Mandi participated in the same walk thru.

1) There are currently three primary ramps (west of the San Mateo Bridge) which are used for both Ingress/Egress by 'Boarders.' There is one where the Bay Trail turns from a North direction to a West direction. I'll call it A. The second is further West from ramp A and is the one in terrible condition. I'll call it B. The third is down by the City water tanks. I'll call it C. It is my understanding that Ramp A will be improved at the water end of the ramp as it gets very slippery and has a large drop off. Ramp B will be reconstructed and made wider so as to accommodate rescue trailers/water vehicles which will allow greater access during lower tides. Neither ramp A or B will require any railing. Ramps A and B are primarily used by windsurfers, with some use by wing foilers, kayaks, fishermen, etc.

2) Ramp C (by the water tanks) will require a railing. This ramp is used primarily by windsurfers, and therefore the railing will be an inconvenience to some as I believe the railing is required to be 42' high. As a result, except for the taller ones, they will need to carry their gear over their heads during both ingress and egress. Some may choose to part their gear out for ingress; carry their boards to the ramp and then their sails. The City is willing to place "tie downs" on the street side of the Bay Trail for the sails. I suspect there will be carpet(supplied by the users)to cover parts of the levee sea wall to protect gear when it is placed their. Based on the explanation received during the walk thru, i see no way around the required railing if water access is to be maintained. What i would suggest, is to make this ramp as wide as possible...like the ingress/egress at Coyote Point in order to part out the equipment, and assemble/disassemble. The current plan requires a "sizeable"walk with gear over the newly raised Bay Trail or longer to minimize the elevation.

3) There will be a new ramp created that will basically run parallel to the existing Bay Trail. It will start toward the upper up of the lower rigging area (near end of the parking lot) and will end on the "sand" at the lower launch. If I remember correctly this ramp is about 70' long. This ramp will not require any railing and in my opinion will be a nice addition to Baywinds.

4) There are several additional ramps from the bridge to Baywinds...maybe 10-12 in total. These ramps are not used by boarders/kayakers, etc for ingress, but are used primarily by the same group for egress when things didn't go as planned while on the water; strong flood tide, wind died, equipment failures, etc. All of these ramps will be maintained. In addition, the City indicated they would look into building a path from the top of some of these ramps to areas along the Bay trail that would make the transition from the ramp to the Bay Trail easier.

Jim: pls give me a call at your convenience (650-483-4520)

**From:** Steven Gunn <[stevengunn@comcast.net](mailto:stevengunn@comcast.net)>  
**Date:** Thursday, November 21, 2019 at 8:53 AM  
**To:** Jim McGrath <[macmcgrath@comcast.net](mailto:macmcgrath@comcast.net)>  
**Cc:** "Deppe, Walt@BCDC" <[walt.deppe@bcdca.gov](mailto:walt.deppe@bcdca.gov)>  
**Subject:** HOT: Foster City levees

COMMISSIONER MCGRATH:

Walt Deppe sent me a copy of the staff recommendations per your request...Thank you both.

After reviewing, my initial comments stand...I m in basic AGREEMENT with the staff as it's relates to everything West of the San Mateo Bridge.

I have two additional comments:

- 1) Good to see that the parking area at Baywinds Park will not be used as a staging area. I imagine there will be some inconvenience while work is being done in that area, but it will not be closed.
- 2) I have concerns (not clear to me what's the staff is recommending for the Ingress/Egress at the existing Windsurf launch on the East side of 3rd Ave across from the City's water tank. The Ingress needs to be wider than the 5' which the will be the norm for the other seldom used ramps. 5-2-b indicates an Emergency Egress(stairs); is this in addition to the an Ingress/Egress ramp for the windsurfers?

Thanks for reaching out to me for comments...happy to participate

Steve Gunn  
650-483-4520

From: Mandi Browning <[mandibrowning71@gmail.com](mailto:mandibrowning71@gmail.com)>  
To: James McGrath <[macmcgrath@comcast.net](mailto:macmcgrath@comcast.net)>  
Cc: Tomer Petel <[peteltomer@gmail.com](mailto:peteltomer@gmail.com)>, Jeffrey Finn <[1956madworld@gmail.com](mailto:1956madworld@gmail.com)>, David Lyon <[davidllyon@gmail.com](mailto:davidllyon@gmail.com)>, [stevengunn@comcast.net](mailto:stevengunn@comcast.net)  
Date: November 16, 2019 at 8:21 PM  
Subject: Re: Foster City levees

Hi Jim,

From the course of our meetings with the Bay Trails, BCDC, and City of Foster City, I believe the following are still the case (unless something has changed since our last meeting):

1. Two Water Access Ramps: First Access Ramp is to be built at the lower launch running parallel to the parking lot, down through the riprap and end at the berm on the lower launch beach. The Second Ramp is at the point (the ramp most southward of the 2 ramps at the point), to ensure an easier ascent to the ramp from the water where there currently is a bit of an abrupt drop off. No railings will be placed on either of these two access ramps.
2. Other Access Points: Near the Water Towers at 3rd Ave there will be access stairs and ramp from the top of the levee to the existing ramp, but no changes to the ramp into the water itself.
3. Landfill: From my understanding, the landfill effecting the boardsailing area of Baywinds Park, will be located through the PG&E roadway where landfill will be placed to generate a large berm with a walking path that will connect the Bay Trail to the pathway along the levee and the access roadway will still be present. It will just require emergency vehicles to drive up and over the added berm. Additional landfill to be placed south at the access point where the Water Towers at 3rd Ave are.
4. Modifications to the levee at Inktomi/"Last Chance Beach" will be made and connections to the existing ramps to ensure safe exit from the water.
5. Access point added/modified south of the San Mateo Bridge (where the image indicates a wall and viewing platform with access to the water.
6. I do not believe that the upper launch area will have much modified at this time, but there is to be an added berm with walkway that connects the Bay Trail running from Seal Park (Trash Mountain), along the wetlands extending to the main driveway of the golf range. The berm will be situated at the lower section of this trail that is closest to the golf range parking lot.

Please correct me on the above items if I am wrong.

Additionally, they are to do their best to work around the wind season to hopefully have minimal impact to the site use during construction.

Reyna had sent me an email at the beginning of the month to inform me of the upcoming meeting, and I will be present on the 21st.

Kind Regards,  
Mandi

# Allen Matkins

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## Via Electronic Mail

November 20, 2019

Walt Deppe  
San Francisco Bay Conservation and  
Development Commission  
375 Beale Street, Suite 510  
San Francisco, CA 94105  
walt.deppe@bcdcc.ca.gov

**Re: Foster City Levee Protection Planning and Improvements Project  
Permit Application No. 2018.005.00**

Dear Mr. Deppe:

On behalf of our client, Mr. Sam Runco of Foster City, this letter is to provide comments on the Staff Recommendation for the above-referenced matter which is scheduled to be heard by the full Commission at its regularly scheduled meeting on Thursday, November 21. Sam Runco is the owner of the beachfront property identified as the "Runco Property" on page 41 of the Staff Recommendation. Our comments go to the proposed conditions of approval that would require the City to install certain bayside public access improvements in the vicinity of Shell Bar Beach near Tarpon Avenue, which is also in close proximity to the Runco Property.

We have been advised by our biological consultant, Steve Foreman of LSA Associates, that the 57-foot long concrete path and staircase required by proposed Conditions 5(a)(1)(h) and 5(a)(2)(f) and (g) will have the probable effect of increasing public access along the entire Shell Bar Beach on and off of the Runco property. This beachfront has significant resource values that may be adversely impacted by the public access facilitated by these improvements, including important habitat for shorebirds (foraging habitat in the mudflats and roosting habitat) and also potential nesting habitat for the threatened snowy plover. Facilitating public access into this beachfront area – including the sensitive shoreline habitat that is located on the Runco Property – has the significant potential to adversely affect these species. As far as we can tell, this potentially adverse impact was not assessed in the City certified EIR that BCDCC is relying upon, nor is it assessed and mitigated for in the Staff Recommendation. Mr. Foreman has not done an exhaustive analysis of the potential for other bayside environmental impacts elsewhere along the City's proposed levee improvements that could result from the Staff Recommendation's proposed conditions of approval, but notes the

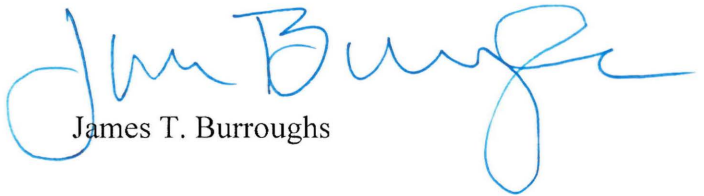
Allen Matkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law

Walt Deppe  
November 20, 2019  
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possibility for such impact. Again, it does not appear to us that the potential for these adverse impacts has been environmentally assessed.

We respectfully request that the Commission assess and mitigate, as necessary, for any impacts to sensitive habitats that may result from the conditions of approval that facilitate bayside public access.

Very truly yours,



James T. Burroughs

cc: Sam Runco  
Steve Foreman, LSA Associates

Via Electronic Mail

Walt Deppe, Project Planner  
San Francisco Bay Conservation and Development Commission  
375 Beale Street, Suite 510  
San Francisco, Ca 94105  
[Walt.deppe@bcd.ca.gov](mailto:Walt.deppe@bcd.ca.gov)

**Re: Letter from Allen Matkins Dated November 20, 2019 re Foster City Levee  
Protection Planning and Improvements Project Permit Application No. 2018.005.00**

Dear Mr. Deppe:

As one of the biologist that prepared the biological study relied upon by the certified Environmental Impact Report for the above referenced project, it is my opinion that BCDC staff's proposed conditions 5(a)(1)(h) and (g) will not have the potential to significantly impact sensitive shoreline habitat for shorebirds or nesting habitat for the threatened snowy plover at Shell Bar Beach on or off the Runco property.

As shown in the aerial map appearing at the end of this letter, there are three (3) existing named trails to and along Shell Bar Beach and an additional approximately sixteen (16) informal trails and access points to this beach for a total of nineteen (19) trails to, along and across the beach. The project will result in a significant net reduction of public access to Shell Beach by eliminating all of the sixteen (16) informal trails, concentrating public access into two (2) new formal access points (the pathway and staircase), that will continue to provide access to the 3 (three) existing named trails. Additionally, the conversion of the earthen levee to a levee wall along and parallel to Shell Bar Beach will inhibit the re-creation of informal public access points to the beach.

Accordingly, given the net overall reduction of fourteen (14) public trails and access points and the additional barrier of the levee wall at this location to further inhibit the creation of new informal public access points and trails, it is my opinion that the project will not have the potential to significantly impact sensitive shoreline habitat for shorebirds or nesting habitat for the threatened snowy plover at Shell Bar Beach on or off the Runco property.

Sincerely,

CC: Jeff Moneda  
Camas Steinmetz



